

Mark Crawford (136501)  
**SKIKOS, CRAWFORD, SKIKOS & JOSEPH**  
 One Sansome Street, Suite 2830  
 San Francisco, CA 94104  
 Tel: (415) 546-7300  
 Fax: (415) 546-7301  
 mcrawford@skikos Crawford.com  
*Attorney for Plaintiffs*

HEATHER EISENBERG, *et al.*,  
Plaintiffs,  
vs.

**JOINT STIPULATION TO  
REMAND; ~~[PROPOSED ORDER]~~**

) Honorable William Alsup  
) Date: None Set  
) Time:  
) Place: San Francisco Courthouse, 450  
) Golden Gate Avenue, 19<sup>th</sup> Floor, Courtroom  
) 8, San Francisco, California 94102

JOINT STIPULATION TO REMAND;  
CASE NO. 3:17-CV-01761-WHA

1 Plaintiffs Heather Eisenberg, *et al.*, and defendants and specially-appearing defendants  
2 Bayer Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare  
3 Pharmaceuticals Inc. (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their Complaint on February 27, 2017, in the Superior Court for the  
5 State of California, County of Alameda. In their complaint, Plaintiffs asserted claims involving the  
6 Essure® Permanent Birth Control System.

7 2. On March 30, 2017, Bayer removed the matter from the Alameda County Superior  
8 Court to the United States District Court for the Northern District of California.

9 3. Bayer filed its Motion to Dismiss on April 6, 2017, on the grounds of federal  
10 preemption, among other grounds.

11 4. Plaintiffs have indicated their intention to file a Motion to Remand.

12 5. On April 27, 2017, briefing on Bayer’s Motion to Dismiss and Plaintiffs’ anticipated  
13 Motion to Remand was stayed pending this Court’s decision in a related case pending before this  
14 Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer Corp.,*  
15 *et al.*, Case No. 3:17-cv-01488-WHA.

16 6. On June 9, 2017, this Court granted Plaintiffs’ Motion to Remand in the *Sangimino*  
17 matter and denied the Motion to Dismiss as moot.

18 7. The parties have met and conferred and agree to remand this case to the Alameda  
19 County Superior Court.  
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21 8. The parties thus respectfully ask the Court to enter an order remanding this case to  
22 state court based on the stipulation of the parties.  
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IT IS SO STIPULATED.

Dated: June 20, 2017

SIDLEY AUSTIN LLP

By: /s/ Alycia A. Degen

Alycia A. Degen

Bradley J. Dugan

*Attorneys for Defendants and Specially  
Appearing Defendants*

Bayer Corporation, Bayer HealthCare LLC,  
Bayer Essure Inc., and Bayer HealthCare  
Pharmaceuticals Inc.

Dated: June 20, 2017

SKIKOS, CRAWFORD, SKIKOS & JOSEPH

By: /s/ Mark Crawford

Mark Crawford

*Attorneys for Plaintiffs*

Heather Eisenberg, *et al.*

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**FILER’S ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

Dated: June 20, 2017

By: /s/ Alycia A. Degen  
Alycia A. Degen

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS  
ORDERED THAT Eisenberg v. Bayer Corporation, Case No. 3:17-CV-01761-WHA, be remanded  
to the Superior Court of the State of California, County of Alameda.

IT IS SO ORDERED.

Dated: June 22, 2017.

  
Honorable William Alsup